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December 20, 2022

BY ECF

Hon. John P. Cronan
United State District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Eliot Bacolas*, 21 CR 242 (JPC)

Dear Judge Cronan:

I am counsel to Mr. Bacolas in the above referenced case. As Your Honor is aware, a status conference in this case is currently scheduled for January 9, 2023 at 10:00am. We have been working diligently to come to a resolution short of trial. To that end, we have made a presentation to the mitigation committee of the U.S. Attorney's Office. Recently, we were informed of the committee's revised decision and, consistent with the Office's Policy, we have appealed to the Chief of the Criminal Division. That meeting has been scheduled for January 9, 2023 – the same day as our scheduled status conference. Because we will not have a final decision from the U.S. Attorney's Office that day and we will need some time to finalize an agreement, the parties respectfully request that the January 9th status conference be adjourned to sometime in early February.

In the event that there is an adjournment, we respectfully request and consent that time be excluded under the Speedy Trial Act until the next conference date set by the Court pursuant to Title 18, United States Code, Section 3161(h)(7)(A). The exclusion of time best serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial as it will allow time for the parties to continue our on-going discussions regarding a potential disposition of this matter.

I have consulted with Assistant U.S. Attorney Ashley Nicolas who also consents to this potential adjournment request and to the exclusion of time on behalf of the government.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be 'PK' with a flourish.

Peter Katz, Esq.
Counsel to Eliot Nicolas

The conference currently scheduled for January 9, 2022 is adjourned until February 6, 2023, at 10:00 a.m. in Courtroom 12D of 500 Pearl Street, New York, NY 10007. The Court also grants Defendant's request to exclude time under the Speedy Trial Act between January 9, 2023 and February 6, 2023. The Court finds that, pursuant to 18 U.S.C. 3161(h)(7)(A), the ends of justice served by excluding time until February 6, 2023 outweigh the interests of the public and the Defendant in a speedy trial, by allowing time for the Government and Defendant to finish their discussions regarding a pre-trial resolution of this case.

The Clerk of the Court is respectfully directed to close the motion pending at Docket Number 37.

SO ORDERED.

Date: December 21, 2022

New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written over a horizontal line.

JOHN P. CRONAN

United States District Judge